



STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0023

PAUL R. LEPAGE
GOVERNOR

THOMAS A. DESJARDIN
ACTING COMMISSIONER

EXHIBIT #VII.B.

TO: Members of the State Board of Education

FROM: Thomas A. Desjardin, Acting Commissioner*

DATE: June 10, 2015

SUBJECT: Approval to adopt proposed changes to Chapter 13, *Qualifying Examinations of Teachers, Educational Specialists and Administrators*

Attachments:

1. Memo to the State Board of Education
2. The proposed final rule to be filed with the Secretary of State;
3. The proposed rule showing all changes to be made in the existing rule;
4. Basis Statement;
5. Comments;
6. Governor's Approval to Reopen Comment Period;
7. MAPA 4 Notice of Agency Adoption
8. MAPA 1 Rule-making Cover Sheet
9. Rule-making Fact Sheet

BACKGROUND: On October 14, 2014, the Board voted to proceed to rulemaking to amend Ch. 13. The amendments reflect the changes made to examination test codes and qualifying scores as a result of the regular periodic revisions made by the Educational Testing Service (ETS). Publication of the proposed amendment occurred October 29, 2014, and the comment period expired December 1, 2014. On January 14, 2015, the Board voted for additional revisions to Ch. 13 to correct the inequity in Section 3.10 which waived the PLT and Praxis I tests for only current credential holders. The tests are too basic for previous credential holders. The revised rule was again published on January 28, 2015. The deadline for comments expired on February 27, 2015. There was no public hearing during either comment period.

After adoption of the Rule on April 15, 2015, it was discovered in passing that existing Ch. 13, Sec. 3.10, is inconsistent in part with statute and that the amendment would also be inconsistent with statute. Accordingly, the attached final rule proposes no changes to Sec. 3.10.

RECOMMENDATION: The Certification and Higher Education Sub-Committee recommends approval of the amended Chapter 13 as proposed in the attachments.

*Prepared by Arthur J. Keenan, Certification Legal Consultant